THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24862 of 2006

29.11.2006

Between:

A.Brahmaiah, S/o.Chinna Kotesham
And others

... Petitioners

AND

The District Collector, Ranga Reddy District at Hyderabad
And others

... Respondents

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ORDER:

The eight petitioners allegedly purchased the land admeasuring Acs.30.00 under different sale deeds dated 22.2.2006 from N.Raghunandan Raj and his General Power of Attorney (GPA) Holder. Respondents 4 to 29 approached the third respondent and filed applications under Section 5-A of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), stating that they were in occupation of the same by virtue of an agreement of sale executed by Raghunandan Raj on 20.4.1997. The petitioners filed a representation dated 06.11.2006 raising objections for grant of validation orders in favour of the respondents 4 to 29. The petitioners allege that without considering their objections, the third respondent issued Form XIII (A), as per Rule 22(5)(i) of A.P. Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity). Aggrieved by the same, the present writ petition is filed.

Learned Counsel for petitioners submits that the third respondent issued validation orders in favour of respondents 4 to 29 without considering the copies of the sale deeds executed by Raghunandan Raj and his GPA Holder in favour of the petitioners on 22.2.2006. She also submits that any order passed by the third respondent under Section 5-A of the Act without conducting enquiry as contemplated under Rule 22 of the Rules and without considering the objections made by the petitioners is illegal. Learned Counsel however does not dispute that against an order passed by the Mandal Revenue Officer under Section 5-A of the Act, appeal would lie to the jurisdictional Revenue Divisional Officer within thirty (30) days and that such appellate order shall be final subject revision by the Joint Collector under Section 9 of the Act.

Learned Counsel for petitioners has taken this Court through the agreement of sale executed by Raghunandan Raj in favour of respondent No.4 as well as the Xerox copies of the sale deeds executed by Raghunandan Raj in favour of some of the petitioners herein. She submits that when the transaction is governed by a valid registered sale deed in favour of the petitioners, it is improper for the third respondent to grant validation or regularization of alleged sale by Raghunandan Raj in favour of respondents 4 to 29 under an agreement of sale. She also submits that in the guise of the validation

orders, respondents 4 to 29 are now entering into sale transaction with the third parties and, therefore, availability of alternative remedy is not a bar.

It has been repeatedly held that ordinarily when effective efficacious and alternative remedy is available under the statute, a writ petition would not lie. Secondly, though the respondents 4 to 29 were granted a favourable order under Section 5-A of the Act, the same is made appealable under Section 5-B of the Act. Such being the legal dispensation, if the impugned orders are interfered with at this stage, it would amount to depriving the contesting respondents the remedies available to them under the statute. Therefore, this Court is not inclined to interfere at this stage. The petitioners are given liberty to approach the Revenue Divisional Officer, East Division, Hyderabad, and file appeal immediately and obtain necessary orders. No relief can be granted in this writ petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 29, 2006
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